

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER JEROME, an individual,
LEO JEROME, an individual, and STORY
COMPANIES, LLC, a Michigan limited
liability company,

Plaintiffs,

Case No. 1:16-cv-01116

Hon. Janet T. Neff

v.

JOEL FERGUSON, an individual, VIRGIL
BERNERO, the Mayor of the City of Lansing,
in his individual capacity, LANSING
ECONOMIC AREA PARTNERSHIP, INC., a
Michigan non-profit corporation, ROBERT L.
TREZISE, JR., an individual, CLARK
CONSTRUCTION SERVICES, LLC, a
Michigan limited liability company,
CHARLES CLARK, an individual, FRANK
KASS, an individual, CONTINENTAL
DEVELOPMENT, INC., an Ohio corporation,
HALLMARK CAMPUS COMMUNITIES, an
Ohio partnership, FERGUSON
DEVELOPMENT, LLC, a Michigan limited
liability company, CHRISTOPHER
STRALKOWSKI, an individual,
FERGUSON/CONTINENTAL LANSING,
LLC, a Delaware limited liability company,
and RED CEDAR INVESTOR, LLC, a
Michigan limited liability company,

Defendants.

DEFENDANTS' UNIFIED MOTION TO DISMISS
ORAL ARGUMENT REQUESTED

In accordance with the Court's Order dated May 5, 2017, the above-captioned Defendants bring this Unified Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6). Because, for the reasons set forth more fully in the accompanying Brief in Support of this Motion, Plaintiffs lack standing to pursue this action and their Amended Complaint falls far short of stating any claim upon which relief can be granted, Defendants respectfully request that the Court dismiss this action in its entirety and with prejudice.

This Motion is supported by the accompanying Brief. Pursuant to W.D. Mich. LCivR 7.1(d), Plaintiffs have indicated in their response to the Amended Premotion Conference Requests filed by the Defendants that Plaintiffs oppose this Motion.

Dated: July 5, 2017

/s/ Dean F. Pacific

Dean F. Pacific (P57086)

Jeffrey W. Bracken (P25648)

Thomas M. Amon (P72351)

WARNER NORCROSS & JUDD LLP

900 Fifth Third Center

111 Lyon Street, N.W.

Grand Rapids, Michigan 49503-2487

616.752.2000

*Attorneys for Lansing Economic Area Partnership
and Trezise, and lead counsel for purposes of
Defendants' Unified Motion and Brief pursuant to
Order dated May 5, 2017*

Counsel for Co-Defendants:

/s/ Patrick A. Facca

Patrick A. Facca

Facca Richter & Pregler PC

6050 Livernos

Troy, MI 48098

(248) 398-9900

Email: pfacca@frplaw.com

Attorneys for Charles Clark and Clark

Construction Services, LLC

/s/ David K. Otis

David K. Otis

Plunkett Cooney (Lansing)

325 E Grand River, Ste. 250

East Lansing, MI 48823

(517) 333-6598

Email: dotis@plunkettcooney.com

Attorneys for Virgil Bernero

/s/ John D. Pirich

John D. Pirich

Andrea L. Hansen

Honigman Miller Schwartz and Cohn LLP

222 N Washington Sq., Ste. 400

Lansing, MI 48933-1800

(517) 377-0709

Email: jpirich@honigman.com

ahansen@honigman.com

Attorneys for Joel Ferguson, Ferguson

Development, LLC, Christopher Stralkowski,

and Red Cedar Investor, LLC

/s/ Terrence Joseph Sheahan

Terrence Joseph Sheahan

Freeborn & Peters LLP

311 S Wacker Dr., Ste. 3000

Chicago, IL 60606

(312) 360-6000

Email: tsheahan@freeborn.com

Attorneys for Frank Kass, Continental

Development, Inc., Hallmark Campus

Communities, and Ferguson/Continental

Lansing, LLC

15991814-1